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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)

14 SUIBIN ZHANG,)

15 Defendant.)
16

No. CR 05-00812 RMW

~~[PROPOSED]~~

ORDER EXCLUDING TIME

17 1. The parties appeared on April 24, 2006, for a status conference and advised the Court
18 that the Federal Public Defender had recently been appointed to replace previously-retained counsel
19 for Mr. Zhang. As a result of this change in counsel, the parties advised that initial discovery,
20 including the negotiation of a protective order, would have to begin again from scratch.

21 2. The parties further advised that, given the volume of discovery in the case, that the
22 defense would require a substantial period of time in order to effectively prepare the case for trial or
23 resolution. Defendant's newly-appointed counsel asked for a continuance of 30 days and agreed that
24 such time should be excluded from the Speedy Trial clock. The government did not object to such a
25 continuance or to the exclusion of time.
26

FILED

JUL 12 2006

RIGHT HONORABLE CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

3. Accordingly, and with the explicit agreement of the parties, in open court, this Court scheduled the next appearance to occur on **Monday, May 22, 2006**, at 9:00 a.m., before The Honorable Ronald M. Whyte, United States District Judge.

Based upon the foregoing representations made by the parties, and good cause appearing therefor,

IT IS THEREFORE HEREBY ORDERED that the time between April 24 and May 22, 2006 – a total of 28 days – shall be excluded from the computation the period within which the trial must commence, for the reasons set forth by the parties. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above and finds that the time is appropriately excluded pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(i) and (iv).

DATED: *5/22/06*

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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ORDER